98TH CONGRESS
1st Session

SENATE

REPORT
No. 98-212

FUR SEAL ACT AMENDMENTS OF 1983

AUGUST 4 (legislative day, AUGUST 1), 1983.—Ordered to be printed

Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation, submitted the following

REPORT

[To accompany H.R. 2840]

The Committee on Commerce, Science, and Transportation, to which was referred the bill (H.R. 2840) to provide for the orderly termination of Federal management of the Pribilof Islands, Alaska, having considered the same, reports favorably thereon with an amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The bill, as reported, provides for the termination of Federal management of the Pribilof Islands, Alaska and its associated sealing activities by setting up a trust fund to be used by Pribilof Island residents to enable them to develop new livelihoods not based on sealing.

BACKGROUND AND NEEDS

Pursuant to international treaty, the Federal Government is responsible for the management and harvesting of fur seal herds on the Pribilof Islands in the Bering Sea off Alaska. This harvest has been carried out by the islanders since 1910, acting as employees of the Federal Government.

Objections have been raised for many years about the fact that the Federal Government is involved in sealing. This bill attempts to address those objections by accomplishing two things:

1. Ending Federal involvement as the employer of the people carrying out the sealing activities; and
2. Setting up a trust fund to be used by the residents of the Pribilof Islands to enable them to develop new livelihoods not based on sealing. The primary economic activity which is anticipated is fishing.

The legislation was originally submitted by the Commerce Department, the agency employing the Pribilof residents. A number of

11-010 O

5263-28

amendments were made to this legislation by the House during its action on H.R. 2840. The Senate substitute amendment reflects additional compromises.

LEGISLATIVE HISTORY

H.R. 2840 was introduced by Mr. Young of Alaska on April 18, 1983. It was passed by the House of Representatives on May 23, 1983. The bill was marked up by the full Committee on Commerce, Science, and Transportation and ordered reported on August 2, 1983.

SUMMARY OF MAJOR PROVISIONS

As reported, H.R. 2840 which amends the Fur Seal Act of 1966 would:

1. End Federal involvement as the employer of the people carrying out sealing activities on the Pribilof Islands;
2. Establish a $20 million trust fund to be used by the residents of the Pribilof Islands to enable them to develop new livelihoods not based on sealing;
3. Authorize up to $1 million to guarantee the cost of curing the seal skins through 1984;
4. Authorize up to $2 million to be used for upgrading the Federal properties which are to be turned over to the Natives and to the State of Alaska.

ESTIMATED COSTS

In accordance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate and section 403 of the Congressional Budget Act of 1974, the Committee provides the following cost estimate, prepared by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, D.C.

Hon. BOB PACKWOOD,
Chairman, Committee on Commerce, Science and Transportation, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to Section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has prepared the attached cost estimate for H.R. 2840, the Fur Seal Act Amendments of 1983.

Should the Committee so desire, we would be pleased to provide further details on this estimate.

Sincerely,

ALICE M. RIVLIN,
Director.

CONGRESSIONAL BUDGET OFFICE—COST ESTIMATE

1. Bill number: H.R. 2840.
2. Bill title: Fur Seal Act Amendments of 1983.
3. Bill status: As ordered reported by the Senate Committee on Commerce, Science, and Transportation, August 2, 1983.

4. Bill purpose: This bill amends the Fur Seal Act of 1966 by diminishing the responsibilities of the Secretary of Commerce in administering the Pribilof Islands. The bill authorizes the appropriation of $20 million into a trust fund for the benefit of Pribilof Islands natives to establish a self-sufficient local economy not dependent on sealing. In addition, $2 million is authorized to be appropriated for fiscal year 1984 to upgrade federal property being transferred to the Islands' natives. The bill specifies that, beginning in fiscal year 1983, sealing activities are to be funded from proceeds related to sealing from the previous fiscal year or unsold assets retained from harvests conducted in previous years, subject to appropriations action. In addition, the bill authorizes the appropriation of additional sums for sealing activities if such proceeds and assets from preceding years are insufficient.

In order to make restitution for losses associated with processing activities related to sealing on the Pribilof Islands in calendar years 1982–1984, H.R. 2840 authorizes the appropriation of $1 million. Appropriations of $736,000 for fiscal year 1984 and such sums as necessary for each fiscal year thereafter for the National Oceanic and Atmospheric Administration (NOAA) to conduct scientific research on fur seal resources of the North Pacific Ocean and to reimburse the civil service retirement and disability fund for the cost of benefits provided Pribilof Islands natives are also authorized by the bill.

Public Law 98–63, making supplemental appropriations for fiscal year 1983, includes $20 million for fiscal year 1983 to be deposited in a fund for the natives of the Pribilof Islands for the purpose of fostering a self-sustaining economy on the islands. The Administration has requested 1984 appropriations of $736,000 for scientific research and civil service retirement and disability fund repayment.

5. Estimated cost to the Federal Government:

[By fiscal years, in millions of dollars]

	1983	1984	1985	1986	1987	1988
Estimated authorization level	20	−2	−5	−5	−5	−5
Less: Amounts Appropriated to Date	20	.....	.....	.....	.....	.....
Net additional authorization	.....	−2	−5	−5	−5	−5
Estimated outlays	.....	−3	−4	−5	−5	−5

The costs of this bill fall within budget function 300.

Basis of estimate: Pursuant to the supplemental appropriations bill for fiscal year 1983, $20 million has already been appropriated for deposit into a fund for purposes of developing a self-sufficient local economy in the Pribilof Islands. Thus, the $20 million authorized by this bill for deposit into a fund does not result in any additional authorization. Other sums authorized by this bill were assumed to be appropriated prior to the start of the fiscal years for which they are authorized.

The bill authorizes $736,000 for fiscal year 1984 and such sums as necessary thereafter for the remaining federal activities in the Pribilof Islands, and stipulates that proceeds from sealing activities in preceding years are to be used for sealing-related administrative expenses each year. Should preceding years' proceeds be insufficient for a given

year such sums as necessary for seal harvesting and curing are authorized. Based on information from NOAA, it is assumed that previous years' proceeds will be sufficient and that no additional sums will be appropriated for seal harvesting. The estimated annual authorization levels and outlays resulting from those provisions are $1 million each.

For purposes of this estimate, it was assumed that the appropriation and payment of the $1 million authorized to make restitution for losses associated with Pribilof Islands seal processing activities in calendar years 1982, 1983, and 1984 will occur in fiscal year 1984. Outlays of the $2 million authorized for fiscal year 1984 for upgrading transferred federal property are estimated to be split evenly between 1984 and 1985. At present, the federal government spends about $6 million annually to administer the Pribilof Islands.

Enactment of this bill would result in annual savings to the federal government of $6 million, offset by annual remaining outlays of $1 million for continuing federal activities, $1 million in each of 1984 and 1985 for upgrading federal facilities and an additional $1 million in 1984 for restitution of losses associated with 1982–1984 processing of sealskins and other seal parts.

6. Estimated cost to State and local governments: None.

7. Estimate comparison: None.

8. Previous CBO estimate: On May 23, 1983, CBO prepared a cost estimate for H.R. 2840, as ordered reported by the House Committee on Merchant Marine and Fisheries. That version of the bill established a fund in the U.S. Treasury for use by a nonprofit corporation to establish a self-sufficient local economy, and did not provide funds for restitution of losses associated with sealing on the Pribilof Islands or for upgrading transferred federal property. Under the Merchant Marine and Fisheries bill language the $20 million authorization was estimated to outlay more gradually since the funds would remain in the U.S. Treasury until spent, and the interest earned on the money in the fund would accrue to the U.S. Treasury until spent.

9. Estimate prepared by: Anne E. Hoffman.

10. Estimate approved by: James L. Blum, Assistant Director for Budget Analysis.

Regulatory Impact Statement

In accordance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee submits the following evaluation of the regulatory impact of the legislation:

The legislation will result in less regulatory impact on the residents of the Pribilof Islands. In the past, life on the islands centered around the involvement of the Federal Government. This proposal, if successful, will enable the islanders to create an economy independent of Federal control.

The economic impacts on the islanders will be major, but they are not expected to be negative. It is obvious that since the entire economy is based upon the Federal Government's conducting of the annual seal harvest, there will be major changes as the Pribilovians attempt to change the base of their economy to fishing and other nonsealing activities. However, it is hoped that the creation of a broader eco-

nomic base, and the independence that comes with it, will result in a better way of life for the Pribilovians.

The personal privacy of the islanders is likely to be enhanced since their activities will no longer be under such tight control and scrutiny by the Federal Government. The legislation will make them more independent and give them more control over their future.

The amount of paperwork involved in oversight of activities on the islands will not decrease immediately. There will be a need to monitor the use of the $20 million trust fund which is being created. However, as the economy moves to a more independent status the paperwork demands should lessen dramatically.

Section-by-Section Analysis

TITLE I

Section 101

Contains those definitions contained, generally, in sections 109 and 406 of the 1966 Fur Seal Act.

Section 102

Continues in effect the longstanding prohibition against the taking of fur seals by persons or vessels subject to the jurisdiction of the United States except as authorized by this legislation or by regulation of the Secretary of Commerce.

Section 103

This section is essentially the same as section 102 of the 1966 Act. A technical correction is made here and throughout the bill to reflect the transfer of jurisdiction over conservation and management of the North Pacific fur seals from the Department of the Interior to the Department of Commerce.

Subsections (a) and (b) of section 103 continue the statutory exception now granted Indians, Aleuts, and Eskimos living on the North Pacific coasts to the general prohibition relative to the taking of fur seals. Under the Senate amendment, the taking of fur seals by Indians, Aleuts and Eskimos is limited to subsistence uses.

Section 104

Continues the authority for the Secretary of Commerce to carry out the obligations of the United States under the Convention. This section also would authorize the Secretary to issue permits for the taking of fur seals or their parts solely for educational, scientific, or exhibition purposes.

Section 105

Directs the Secretary of Commerce to promulgate such regulations as are required for the conservation, management and protection of the fur seal population and to carry out the Convention. The Secretary is permitted to enter into agreements with any public or private agency or person for the purpose of carrying out the provisions of the Convention, including the taking of fur seals on the Pribilof Islands, and the curing and marketing of the sealskins and other seal parts. If proceeds from preceding years' harvests are inadequate, there are

authorized to be appropriated to the Secretary for fiscal year 1985 and beyond such sums as needed to meet any shortfall in this fund established expressly to accomplish the harvest in accordance with the requirements of the Convention.

The Senate amendment incorporates a new subsection 105(d) which provides discretionary authority for the Secretary to make restitution for losses or otherwise permit recoupment of losses incurred in the taking and curing of the sealskins and other seal parts, for the annual harvests conducted pursuant to the Convention in calendar years 1982, 1983, and 1984. The obligation of the Government under this subsection for fiscal year 1984 shall not exceed $1 million.

Section 106

Authorizes Federal enforcement officers to board and search vessels of any of the parties to the Convention, and to seize the vessel or arrest any person if he has reasonable cause to believe that such person or vessel has violated the Convention. It would require the arresting officer to appear as a witness at the trial and to produce the necessary records.

Section 107

Directs the President to appoint a U.S. Commissioner to the Convention and permit him to appoint a Deputy Commissioner as well.

Section 108

Authorizes the Secretary of State, with the Secretary of Commerce's concurrence, to accept or reject any recommendation of the Commission.

Section 109

Provides for consultation with other Federal agencies by the Secretary or the Commission. These agencies would also be authorized to provide assistance to the Secretary or the Commission and expend their own funds, with or without reimbursement.

TITLE II

This title relates to the administration of the Pribilof Islands, and provides for a transition, consistent with conservation and protection of the fur seal population and other wildlife, to a private-sector economy for the Aleut residents of St. Paul and St. George Islands.

Section 201

Requires the Secretary of Commerce to administer the fur seal rookeries and other Federal property so as to ensure that activities on the Pribilof Islands are consistent with the purposes of conserving, managing and protecting the North Pacific fur seals and other wildlife and for other purposes consistent with the primary purpose.

Section 202

Gives the Secretary of Commerce general authority to maintain Federal property on the islands, and to provide for the needs of Federal employees on the islands.

Section 203

Reflects the agreement with the State of Alaska to operate Pribilof Island schools. The State shall have the continuing responsibility to provide education to the citizens on the Pribilofs.

Section 204

Directs the Secretary of Health and Human Services to provide medical and dental care to the natives of the Pribilof Islands, with or without reimbursement, as provided by other law.

Section 205

Provides for the transfer and disposal of certain property held on the Pribilof Islands by the Secretary of Commerce. The transfer of such property would be by bargain, sale, grant, or other conveyance on such terms as the Secretary determines are in the best interests of the United States and in furtherance of the purposes of the act.

The Senate amendment provides that the Transfer Document shall be submitted to Congress for review on or before September 30, 1983. The contents of the Transfer Document are stated with specificity in section 205(b).

Along with the Transfer Document, the documents establishing a trust would be forwarded by the Secretary to Congress not later than September 30, 1983. A Memorandum of Understanding among the Secretary, the islanders, the trustee and the State regarding their responsibilities associated with the administration of the islands would also be submitted to Congress by the parties not later than September 30, 1983. The requirements for the trust instruments and the Memorandum of Understanding are spelled out in the Senate amendment with specificity in section 206(c) and section 205(d), respectively. Congressional oversight would be exercised in reviewing the trust instruments and the Memorandum of Understanding.

Section 206

Authorizes a one-time appropriation of $20 million for the benefit of the Natives of the Pribilof Islands to promote a self-sufficient, enduring and diversified island economy not dependent upon the taking of fur seals. This section also provides for direct disbursement of the $20 million one-time appropriation to a trust established for the benefit of the Natives of the Pribilof Islands. The trust is to be managed and administered in accordance with such terms and conditions as are prescribed by the Secretary of Commerce after consultation with the residents of the Islands.

In the event of emergency requirements for interim distributions prior to the conclusion of the Transfer Document and the Memorandum of Understanding described above, the Secretary is authorized to approve such interim distributions not to exceed 5 percent of appropriated funds. Such interim distributions would only be made to carry out the purposes of the Act.

Section 206(g) requires the trustee to file with the Secretary and Congress an annual report, and further requires the trustee and the Secretary to report to Congress on March 31, 1986.

Section 207

Provides general authority to the Secretary of Commerce to enter into agreements with any person, or to issue permits to any person, for the purposes of carrying out the provisions of this act or the Convention.

Section 208

Provides for benefits to natives under the Civil Service Retirement Act for services performed in connection with sealing prior to January 1, 1950.

Section 209

Amends the Civil Service Retirement Act to provide 1 year of service to be credited for each year in which a Native of the Pribilof Islands has performed service in sealing operations, notwithstanding any period of separation from Federal service.

Section 210

Includes an amendment to the Indian Self-Determination and Education Assistance Act which provides that the city of St. Paul, the city of St. George and village corporations of St. George and St. Paul Islands, shall be treated the same as "tribal organizations" for the purposes of continuity of benefits under the Civil Service Retirement Act. This amendment will permit the Pribilof Aleuts who have had Federal service in sealing operations and who obtain employment with the municipalities or village corporations to participate in the Civil Service Retirement Program.

TITLE III

Section 301 through 304

Carry forward the extensive enforcement provisions for the protection and conservation of the North Pacific fur seal population contained in Title IV of the 1966 Act.

Section 305

Provides an authorization for appropriations to the Department of Commerce of $736,000 in fiscal year 1984 and such sums as may be necessary in succeeding fiscal years for the purposes of scientific research and other activities required by the Convention, and for the contribution to the Civil Service Retirement Fund required by section 208 and existing law for sealing operations conducted prior to January 1, 1950. In addition, the Senate amendment contains an authorization of appropriations not to exceed $2 million for the purposes of making necessary improvements to Pribilof properties that are to be transferred to the natives and to the State of Alaska.

Changes in Existing Law

In compliance with paragaph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new material is printed in italic, existing law in which no change is proposed is shown in roman) :

THE FUR SEAL ACT OF 1966

[That this Act may be cited as the "Fur Seal Act of 1966".

[TITLE I—CONSERVATION AND PROTECTION OF THE NORTH PACIFIC FUR SEALS

[SEC. 101. It is unlawful, except as provided in this Act or by regulation of the Secretary of the Interior, for any person or vessel subject to the jurisdiction of the United States to engage in the taking of fur seals in the North Pacific Ocean or on lands or waters under the jurisdiction of the United States, or to use any port or harbor or other place under the jurisdiction of the United States for any purpose connected in any way with such taking, or for any person to transport, import, offer for sale, or possess at any port or place or on any vessel, subject to the jurisdiction of the United States, fur seals or the parts thereeof, including, but not limited to, raw, dressed, or dyed fur seal skins, taken contrary to the provisions of this Act or the Convention, or for any person subject to the jurisdiction of the United States to refuse to permit, except within the territorial waters of the United States, a duly authorized official of Canada, Japan, or the Union of Soviet Socialist Republics to board and search any vessel which is outfitted for the harvesting of living marine resources and which is subject to the jurisdiction of the United States to determine whether such vessel is engaged in sealing contrary to the provisions of said Convention.

[SEC. 102. (a) Indians, Aleuts, and Eskimos who dwell on the coasts of the North Pacific Ocean are permitted to take fur seals and dispose of their skins in any manner after the skins have been officially marked and certified by a person authorized by the Secretary of the Interior, provided that the seals are taken only in canoes not transported by or used in connection with other vessels, and propelled entirely by oars, paddles, or sails, and manned by not more than five persons each, in the way hitherto practiced and without the use of firearms.

[(b) The authority contained in this section shall not apply to Indians, Aleuts, and Eskimos who are employed by any person for the purpose of taking fur seals or are under contract to deliver the skins to any person.

[SEC. 103. The Secretary of the Interior shall (1) conduct such scientific research and investigations on the fur seal resources of the North Pacific Ocean as he deems necessary to carry out the obligations of the United States under the Convention, and (2) permit, subject to such terms and conditions as he deems desirable, the taking, transportation, importation, exportation, or possession of fur seals or their parts for educational, scientific, or exhibition purposes.

[SEC. 104. (a) The Secretary shall (1) take and cure fur seal skins on the Pribilof Islands and on lands subject to the jurisdiction of the United States whenever he deems such taking and curing is necessary to carry out the provisions of the Convention or to manage the fur seal herd, (2) employ natives of the Pribilof Islands and, when necessary, other persons for taking and curing of fur seal skins pursuant to this section, and compensate them at rates to be determined

by the Secretary, (3) deliver to authorized agents of the parties such fur seal skins as the parties are entitled under the Convention, (4) utilize such quantities of fur seal skins taken pursuant to this section or forfeited to, or seized by, the United States as the Secretary deems desirable for product development and market promotion, (5) provide for the disposal or destruction of any fur seal skins that are damaged or that are determined by the Secretary to have no value or use as luxury furs, (6) provide for the processing of such quantities of fur seal skins as he deems desirable, (7) provide from time to time for the sale, pursuant to such terms and conditions as the Secretary deems desirable, of fur seal skins and products of fur seals not otherwise used or disposed of pursuant to this Act, and (8) deposit into the Pribilof Islands fund in the Treasury the proceeds from such sales, except that the Secretary shall pay annually to the Commission the proceeds from the sales of any fur seal skins that are taken contrary to the provisions of this title and the regulations issued thereunder or that are forfeited to the United States.

[(b) The Secretary is authorized to enter into agreements with any public or private agency or person for the purpose of carrying out the provisions of this title, other than for the purpose of taking fur seals.

[SEC. 105. (a) Any person authorized to enforce the provisions of this Act who has reasonable cause to believe that any vessel outfitted for the harvesting of living marine resources and subject to the jurisdiction of any of the parties to the Convention is violating the provisions of article III of the Convention may, except within the territorial waters of another nation, board and search such vessel. Such person shall carry a special certificate of identification issued by the Secretary of the Interior or Secretary of the Treasury which shall be in English, Japanese, and Russian and which shall be exhibited to the master of the vessel upon request.

[(b) If, after boarding and searching such vessel, such person continues to have reasonable cause to believe that such vessel, or any person on board, is violating said article, he may seize such vessel or arrest such person, or both. The Secretary of State shall, as soon as practicable, notify the party having jurisdiction over the vessel or person of such seizure or arrest.

[The Secretary of the Interior or the Secretary of the Treasury, upon request of the Secretary of State, shall deliver the seized vessel or arrested person, or both, as promptly as practicable to the authorized officials of said party: *Provided*, That whenever said party cannot immediately accept such delivery, the Secretary of the Interior or the Secretary of the Treasury may, upon request of the Secretary of State, keep the vessel or person under surveillance within the United States.

[(c) At the request of said party, the Secretary of the Interior or the Secretary of the Treasury shall direct the person authorized to enforce the provisions of this Act to attend the trial as a witness in any case arising under said article or give testimony by deposition, and shall produce such records and files or copies thereof as may be necessary to establish the offense.

[SEC. 106. The President shall appoint to the Commission a United States Commissioner who shall serve at the pleasure of the President. The President may also appoint a Deputy United States Commis-

sioner who shall serve at the pleasure of the President. The Deputy Commissioner shall be the principal adviser of the Commissioner, and shall perform the duties of the Commissioner in the case of his death, resignation, absence, or illness. The Commissioner and the Deputy Commissioner shall receive no compensation for their services. The Commissioners may be paid travel expenses and per diem in lieu of subsistence at the rates authorized by section 5 of the Administrative Expense Act of 1946 (5 U.S.C. 73b–2) when engaged in the performance of their duties.

[SEC. 107. The Secretary of State, with the concurrence of the Secretary of the Interior, is authorized to accept or reject, on behalf of the United States, recommendations made by the Commission pursuant to article V of the Convention.

[SEC. 108. The head of any Federal agency is authorized to consult with and provide technical assistance to the Secretary of the Interior or the Commission whenever such assistance is needed and can reasonably be furnished in carrying out the provisions of this title. Any Federal agency furnishing assistance hereunder may expend its own funds for such purposes, with or without reimbursement.

[SEC. 109. As used in this title, the term—

[(a) "Convention" means the Interim Convention on the Conservation of North Pacific Fur Seals signed at Washington, on February 9, 1957, by the parties, as amended by the protocol signed at Washington, on October 8, 1963, by the parties,

[(b) "Party" or "parties" means the United States of America, Canada, Japan, and the Union of Soviet Socialist Republics,

[(c) "Commission" means the North Pacific Fur Seal Commission established pursuant to article V of the convention,

[(d) "Sealing" means the taking of fur seals,

[(e) "North Pacific Ocean" means the waters of the Pacific Ocean north of the thirtieth parallel of north latitude, including the Bering, Okhotsk, and Japan Seas,

[(f) "Import" means to land on, or bring into, or attempt to land on, or bring into any place subject to the jurisdiction of the United States.

[TITLE II—ADMINISTRATION OF THE PRIBILOF ISLANDS

[SEC. 201. The Pribilof Islands shall continueto be administered as a special reservation by the Secretary of the Interior for the purposes of conserving, managing, and protecting the North Pacific fur seals and other wildlife, and for other purposes.

[SEC. 202. The Secretary, in carrying out the provisions of this title, is authorized to enter into contracts or agreements or leases with, or to issue permits to, public or private agencies or persons, including the natives of said islands, in accordance with such terms and conditions as he deems desirable for the use of any Government-owned real or personal propery located on the Pribilof Islands, for the furnishing of accommodations for tourists and other visitors, for educational, recreational, residential, or commercial purposes, for the operation, maintenance, and repair of Government-owned facilities and utilities, for the transportation and storage of food and other supplies, and for such other purposes as the Secretary deems desirable.

[SEC 203. (a) In carrying out the provisions of this title, the Secretary is also authorized—

[(1) to provide, with or without reimbursement, the natives of the Pribilof Islands with such facilities, services, and equipment as he deems necessary, including, but not limited to, food, fuel, shelter, transportation, and education,

[(2) to provide the employees of the Department of the Interior and other Federal agencies and their dependents and tourists and other persons, at reasonable rates to be determined by the Secretary, with such facilities, services, and equipment as he deems necessary, including, but not limited to, food, fuel, shelter, transportation, and education,

[(3) to purchase, transport, store, and distribute such supplies and equipment to carry out the provisions of this section as the Secretary deems necessary, and

[(4) to purchase, construct, operate, and maintain such facilities as may be necessary to carry out the provisions of this section.

[(b) The proceeds from the furnishing of facilities, services, supplies, and equipment pursuant to this section shall be credited to the appropriation current at the time the proceeds are received.

[SEC. 204. (a) The Secretary is authorized to enter into an agreement with the Governor of the State of Alaska pursuant to which the State shall assume full responsibility for furnishing education to the natives of the Pribilof Islands. The Secretary is also authorized to enter into agreements with said Governor pursuant to which the State shall furnish to such natives adequate food, shelter, transportation, and such other facilities, services, and equipment as the Secretary deems necessary.

[(b) Any agreement entered into pursuant to this section for the transfer to the State of the responsibility for furnishing education to the natives of the Pribilof Islands shall provide, in addition to such terms and conditions as the Secretary deems desirable, that the State of Alaska, in assuming such responsibility, shall meet the educational needs of the said natives in the same manner as the State meets the educational needs of all of its citizens, including the furnishing of necessary facilities therefor.

[SEC. 205. The Secretary of Health, Education, and Welfare shall provide medical and dental care to the natives of the Pribilof Islands, with or without reimbursement, as provided by other law. He is authorized to provide such care to Federal employees and their dependents and tourists and other persons in the Pribilof Islands at reasonable rates to be determined by him. He may purchase, lease, construct, operate, and maintain such facilities, supplies, and equipment as he deems necessary to carry out the provisions of this section and the costs of such items, including medical and dental care, shall be charged to the budget of the Secretary of Health, Education, and Welfare. Nothing in this Act shall be construed as superseding or limiting the authority and responsibility of the Secretary of Health, Education, and Welfare under the Act of August 5, 1954 (42 U.S.C. 2001 et seq.), as amended, or any other law with respect to medical and dental care of natives or other persons in the Pribilof Islands.

[SEC. 206. (a) For the purpose of fostering self-sufficiency among the natives of the Pribilof Islands, and in order that they may enjoy local self-government, and to facilitate the establishment by such natives of a municipal corporation under the laws of the State of Alaska, the Secretary is authorized to set apart so much of the land on St. Paul Island as he determines necessary to establish a townsite. The Secretary shall survey the townsite into lots, blocks, streets, and alleys and he may issue a patent therefor to a trustee appointed by him, when he is satisfied that a viable self-governing community which is capable of providing adequate municipal services is established or will be established prior to the conveyance by the trustee of title to any property to the natives of the Pribilof Islands. The trustee is authorized to convey to the individual natives of the Pribilof Islands title to improved or unimproved lots or tracts of land within such townsite for homesite, commercial, or other purposes not inconsistent with the purpose for which the Secretary administers said islands, upon payment of an amount to be determined by the Secretary. Any deed issued by the trustee shall provide, in addition to such terms and conditions relating to the use of said lots or tracts as the Secretary deems necessary, that the title conveyed is inalienable for a period of twenty years from the date of conveyance except upon approval of the Secretary. Any deed issued after twenty years from the date of conveyance shall not require approval of the Secretary. Any lot or tract conveyed by the trustee to said natives shall not, except as provided in the Act of March 29, 1956 (70 Stat. 62; 25 U.S.C. 483a), be subject to levy and sale in satisfaction of the debts, contracts, or liabilities of the purchaser or to any claims of adverse possession or to claims of prescription, except that such lot or tract shall be subject to taxation and to levy and sale in satisfaction thereof under the laws of the State of Alaska.

[(b) In determining the amount to be paid for the purchase of lots or tracts under subsection (a) of this section, the Secretary shall consider the economic status of the natives of the Pribilof Islands, including the factor of isolation, the restrictive nature of the title to be conveyed, the improvements, if any, placed on the property by the purchaser and such other factors as he deems pertinent: *Provided*, That payment shall be made in accordance with such terms and conditions as the Secretary deems desirable.

[(c) The net proceeds from the sale, pursuant to this section, of improved or unimproved lots or tracts shall be made available to the established local governing body to be used with other proceeds available to such body for the purpose of providing adequate municipal services to persons inhabiting the islands. In addition, at the close of the first fiscal year in which there is established a municipal corporation as provided in this section, the Secretary of the Interior shall certify to the Secretary of the Treasury for payment from the gross receipts of the Pribilof Islands fund, after deducting from such fund all costs to the United States in carrying out the provisions of this Act, the sum of $50,000 to such community to assist it in providing adequate municipal services, and, at the close of each succeeding four fiscal years, he shall pay from such fund the sums of $40,000, $30,000, $20,000, and $10,000, respectively.

[(d) Upon approval by the Secretary, the trustee shall convey, with or without reimbursement, any improved or unimproved land which was authorized to be sold under subsection (a), and which is unsold five years after incorporation, and which is not needed in connection with the Federal activities on said islands, to the municipality for the purposes of this section: *Provided*, That a conveyance pursuant to this subsection shall be subject to such terms and conditions as the Secretary deems necessary to enable him to administer the Pribilof Islands as provided in this title.

[(e) The trustee shall convey to the municipality at the time of incorporation all surveyed streets and alleys of the townsite. All deeds issued by the trustee shall contain a reservation to the trustee of rights-of-way for streets and alleys to be surveyed and established upon and across land conveyed to the natives of the Pribilof Islands whenever he determines that it would be in the interest of the native owner to establish such streets and alleys. Such reservation shall be for a term not to exceed ten years. In addition the Secretary may convey without reimbursement to the municipality such lands or interests therein outside the townside boundaries for any purpose subject to such conditions as the Secretary deems desirable to carry out the purposes of this Act.

[(f) The provisions of this section shall not affect any valid existing rights.

[SEC. 207. Any person who violates or fails to comply with any regulation issued by the Secretary of the Interior under this title relating to the use and management of the Pribilof Islands or to the conservation and protection of the fur seals or wildlife or other natural resources located thereon shall be fined not more than $500 or be imprisoned not more than six months, or both.

[SEC. 208. (a) Service by natives of the Pribilof Islands engaged in the taking and curing of fur seal skins and other activities in connection with the administration of such islands prior to January 1, 1950, as determined by the Secretary of the Interior based on records available to him, shall be considered for purposes of credit under the Civil Service Retirement Act, as amended (5 U.S.C. 2251–2267), as civilian service performed by an employee, as defined in said Act.

[(b) The annuity of any person or the annuity of the survivor of any person who shall have performed service described in subsection (a), and who prior to the date of enactment of this Act died or shall have been retired on annuity payable from the civil service retirement and disability fund, shall, upon application filed by the annuitant within one year after the date of enactment of this Act, be adjusted, effective as of the first day of the month immediately following the date of enactment of this Act, so that the amount of the annuity will be the same as if such subsection had been in effect at the time of such person's retirement or death.

[(c) Section 4(g) of the Civil Service Retirement Act (5 U.S.C. 2254(g)) is amended by inserting after the words "military service" a comma and the following: "for service performed prior to January 1 1950, by natives of the Pribilof Islands in the taking and curing of fur seal skins and other activities in connection with the administration of such islands,".

[(d) In no case shall credit for the service described in subsection (a) entitle a person to the benefits of section 11(h) of the Civil Service Retirements Act (5 U.S.C. 2261(h)).

[(e) Notwithstanding any other provision of this Act or any other law, benefits under the Civil Service Retirement Act made available by reason of the provisions of this section shall be paid from the civil service retirement and disability fund subject to reimbursement to such fund from the gross receipts of the Pribilof Islands, fund, established in section 407 of this Act, for the purpose of compensating said retirement fund for the cost, as determined by the Civil Service Commission during each fiscal year, of benefits provided by this section. This reimbursement to the civil service retirement fund shall be considered a cost of administering the fur seal program.

[TITLE III—PROTECTION OF SEA OTTERS ON THE HIGH SEAS

[SEC. 301. (a) It is unlawful, except as provided in this Act or by regulations issued by the Secretary of the Interior, for any person subject to the jurisdiction of the United States to take or engage in the taking of sea otters on the high seas beyond the territorial waters of the United States, or to possess, transport, sell, purchase, or offer to sell or purchase sea otters or their parts taken on the high seas, or to destroy, abandon, or waste needlessly sea otters on the high seas.

[(b) The possession of sea otters or any part thereof by any person contrary to the provisions of this Act shall constitute prima facie evidence that the sea otter or part thereof was taken, purchased, sold, or transported in violation of the provisions of this Act or the regulations issued thereunder.

[SEC. 302. The Secretary is authorized, from time to time, to sell, pursuant to such terms and conditions as he deems desirable, or otherwise dispose of, sea otter skins and all the products derived from sea otters that are forfeited to, or seized by, the United States pursuant to this Act, or that are taken by the Secretary on the high seas or within the Aleutian Islands National Wildlife Refuge. The proceeds of such sales shall be deposited in the Pribilof Islands fund in the Treasury.

[TITLE IV—GENERAL

[SEC. 401. (a) Every vessel subject to the jurisdiction of the United States that is employed in any manner in connection with a violation of the provisions of this Act, including its tackle, apparel, furniture, appurtenance, cargo, and stories shall be subject to forfeiture and all fur seals or sea otters, or parts thereof, taken or retained in violation of this Act or the monetary value thereof shall be forfeited.

[(b) All provisions of law relating to the seizure, summary and judicial forfeiture, and condemnation of a vessel, including its tackle, apparel, furniture, appurtenances, cargo, and stores for violation of the customs laws, the disposition of such vessel, including its tackle, apparel, furniture, appurtenances, cargo, and stores or the proceeds from the sale thereof, and the remission or mitigation of such forfeitures shall apply to seizures and forfeitures incurred, or alleged to

have been incurred, under the provisions of this Act, insofar as such provisions of law are applicable and not inconsistent with the provisions of this Act.

[SEC. 402. (a) Enforcement of the provisions of this Act is the joint responsibility of the Secretary of the Interior, the Secretary of the Treasury, and the Secretary of the Department in which the Coast Guard is operating. In addition, the Secretary of the Interior may designate officers and employees of the States of the United States to enforce the provisions of this Act which relate to persons or vessels subject to the jurisdiction of the United States. When so designated, such officers and employees are authorized to function as Federal law enforcement agents for these purposes, but they shall not be held and considered as employees of the United States for the purposes of any laws administered by the Civil Service Commission.

[(b) The judges of the United States district courts and the United States commissioners may, within their respective jurisdictions, upon proper oath or affirmation showing probable cause, issue such warrants or other process, including warrants or other process issued in admiralty proceedings in Federal district courts, as may be required for enforcement of this Act and any regulations issued thereunder.

[(c) Any person authorized to carry out enforcement activities hereunder shall have the power to execute any warrant or process issued by any officer or court of competent jurisdiction for the enforcement of this Act.

[(d) Such person so authorized shall have the power—

[(1) with or without a warrant or other process, to arrest any person committing in his presence or view a violation of this Act or the regulations issued thereunder;

[(2) with a warrant or other process or without a warrant, if he has reasonable cause to believe that a vessel subject to the jurisdiction of the United States or any person on board is in violation of any provision of this Act or the regulations issued thereunder, to search such vessel and to arrest such person.

[(e) Such person so authorized may seize any vessel subject to the jurisdiction of the United States, together with its tackle, apparel, furniture, appurtenances, cargo, and stores, used or employed contrary to the provisions of this Act or the regulations issued hereunder or which it reasonably appears has been used or employed contrary to the provisions of this Act or the regulations issued hereunder.

[(f) Such person so authorized may seize, whenever and wherever lawfully found, all fur seals or sea otters taken or retained in violation of this Act or the regulations issued thereunder. Any fur seals so seized or forfeited to the United States pursuant to this Act shall be disposed of in accordance with the provisions of section 104, of this Act. Any sea otters so seized or forfeited to the United States pursuant to this Act shall be disposed of in accordance with the provisions of section 302 of this Act.

[SEC. 403. The Secretary of the Interior is authorized to issue regulations to carry out the provisions of this Act.

[SEC. 404. Any person violating the provisions of title I or III of this Act or the regulations issued thereunder shall be fined not more than $2,000, or imprisoned not more than one year, or both.

[SEC. 405. The Secretary of the Interior, in carrying out the provisions of this Act, is authorized to enter into contracts or agreements for research with any person or public or private agency.

[SEC. 406. (a) The term "person" as used in this Act means any individual, partnership, corporation, or association.

[(b) The terms "take" or "taking" or "taken" as used in this Act mean to pursue, hunt, shoot, capture, collect, kill, or attempt to pursue, hunt, shoot, capture, collect, or kill.

[(c) The term "natives of the Pribilof Islands" as used in this Act means any Indians, Aleuts, or Eskimos who permanently reside on said island.

[(d) The term "Pribilof Islands" as used in the Act means the islands of St. Paul and St. George, Walrus and Otter Islands, and Sea Lion Rock.

[SEC. 407. There is established a Pribilof Islands fund and there are authorized to be appropriated such sums as may be necessary from the fund and from other funds in the Treasury to carry out the provisions of this Act and the provisions of section 6(e) of the Alaska Statehood Act which provides for the payment to the State of Alaska of certain specified proceeds deposited into said fund.

[SEC. 408. (a) The Act of February 26, 1944 (58 Stat. 100: 16 U.S.C. 631a–631q), is repealed.

[(b) The last three sentences of section 6(e) of the Alaska Statehood Act (72 Stat. 339) are amended to read as follows: "Commencing with the year during which Alaska is admitted into the Union, the Secretary of the Treasury, at the close of each fiscal year, shall pay to the State of Alaska 70 per centum of the net proceeds, as determined by the Secretary of the Interior, derived during such fiscal year from all sales of sealskins or sea otter skins made in accordance with the provisions of the Fur Seal Act of 1966. In arriving at the net proceeds, there shall be deducted from the receipts from all sales all costs to the United States in carrying out the provisions of the Fur Seal Act of 1966, including, but not limited to, the costs of handling and dressing the skins, the costs of making the sales, and all expenses incurred in the administration of the Pribilof Islands, and the payments made to any municipal corporation established pursuant to section 206 of the Fur Seal Act of 1966 and to the civil service retirement and disability fund pursuant to section 208 of the Fur Seal Act of 1966. In administering the Pribilof Islands fund established by section 407 of the Fur Seal Act of 1966, the Secretary shall consult with the State of Alaska annually. Nothing in this Act shall be construed as affecting the rights of the United States under the provisions of the Fur Seal Act of 1966 and the Northern Pacific Halibut Act of 1937 (16 U.S.C. 772–772i)."]

TITLE I—FUR SEAL MANAGEMENT

SEC. 101. (a) "Commission" means the North Pacific Fur Seal Commission established pursuant to article V of the Convention.

(b) "Convention" means the Interim Convention on the Conservation of North Pacific Fur Seals signed at Washington on February 9, 1957, as amended by the protocol signed in Washington on October 8,

1963; by the exchange of notes among the party governments which became effective on September 3, 1969; by the protocol signed in Washington on May 7, 1976; and by the protocol signed in Washington on October 14, 1980, by the parties.

(c) "Fur Seal" means the North Pacific Fur Seal, Callorhinus Ursinus.

(d) "Import" means to land on, bring into, or introduce into, or attempt to land on, bring into, or introduce into, any place subject to the jurisdiction of the United States, whether or not such landing, bringing, or introduction constitutes an importation within the meaning of the customs laws of the United States.

(e) "Natives of the Pribilof Islands" means any Aleuts who are permanent residents of the Pribilof Islands, or any organization or entity representing such natives.

(f) "North Pacific Ocean" means the waters of the Pacific Ocean north of the thirtieth parallel of north latitude, including the Bering, Okhotsk, and Japan Seas.

(g) "Party" or "parties" means the United States of America, Canada, Japan, and the Union of Soviet Socialist Republics.

(h) "Person" means any individual, partnership, corporation, trust, association or any other private entity, or any officer, employee, agent, department, or instrumentality of the Federal Government, of any State or political subdivision thereof, or of any foreign government.

(i) "Pribilof Islands" means the islands of Saint Paul and Saint George, Walrus and Otter Islands, and Sea Lion Rock.

(j) "Sealing" means the taking of fur seals.

(k) "Secretary" means the Secretary of Commerce.

(l) "Take" or "taking" means to harass, hunt, capture, or kill, or attempt to harass, hunt, capture, or kill.

SEC. 102. It is unlawful, except as provided in this Act or by regulation of the Secretary, for any person or vessel subject to the jurisdiction of the United States to engage in the taking of fur seals in the North Pacific Ocean or on lands or water under the jurisdiction of the United States, or to use any port or harbor or other place under the jurisdiction of the United States for any purpose connected in any way with such taking, or for any person to transport, import, offer for sale, or possess at any port or place or on any vessel, subject to the jurisdiction of the United States, fur seals or the parts thereof, including, but not limited to, raw, dressed, or dyed fur seal skins, taken contrary to the provisions of this Act or the Convention, or for any person subject to the jurisdiction of the United States to refuse to permit, except within the Exclusive Economic Zone of the United States, a duly authorized official of Canada, Japan, or the Union of Soviet Socialist Republics to board and search any vessel which is outfitted for the harvesting of living marine resources and which is subject to the jurisdiction of the United States to determine whether such vessel is engaged in sealing contrary to the provisions of said Convention.

SEC. 103. (a) Indians, Aleuts, and Eskimos who dwell on the coasts of the North Pacific Ocean are permitted to take fur seals and dispose of their skins after the skins have been officially marked and certified by a person authorized by the Secretary: Provided, That the

seals are taken for subsistence uses as defined in section 109(f)2 of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1379), and only in canoes not transported by or used in connection with other vessels, and propelled entirely by oars, paddles, or sails, and manned by not more than five persons each, in the way hitherto practiced and without the use of firearms. This authority shall not apply to Indians, Aleuts, and Eskimos while they are employed by any person for the purpose of taking fur seals or are under contract to deliver the skins to any person.

(b) Indians, Aleuts, and Eskimos who live on the Pribilof Islands are authorized to take fur seals for subsistence purposes as defined in section 109(f)(2) of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1379), under such conditions as recommended by the Commission and accepted by the Secretary of State pursuant to regulations promulgated by the Secretary.

SEC. 104. The Secretary shall (1) conduct such scientific research and investigations on the fur seal resources of the North Pacific Ocean as he deems necessary to carry out the obligations of the United States under the Convention, and (2) permit, subject to such terms and conditions as he deems desirable, the taking, transportation, importation, exportation, or possession of fur seals or their parts for educational, scientific, or exhibition purposes.

SEC. 105. (a) The Secretay shall prescribe such regulations with respect to the taking of fur seals on the Pribilof Islands and on lands subject to the jurisdiction of the United States as he deems necessary and appropriate for the conservation, management, and protection of the fur seal population, and to dispose of any fur seals seized or forfeited pursuant to this Act, and to carry out the provisions of the Convention, and shall deliver to authorized agents of the parties such fur sealskins as the parties are entitled to under the Convention.

(b) The Secretary is authorized to enter into agreements with any public or private agency or person for the purpose of carrying out the provisions of the Convention and of this title, including but not limited to the taking of fur seals on the Pribilof Islands, and the curing and marketing of the sealskins and other seal parts, and may retain the proceeds therefrom.

(c) The Secretary shall give preference to the village corporations of Saint Paul and Saint George Islands established pursuant to section 8 of the Alaska Native Claims Settlement Act (Public Law 92–203) for the taking of fur seals on the village corporations' respective islands, and the curing, processing and marketing of the sealskins and other seal parts, and may retain the proceeds therefrom. Any proceeds therefrom will be deposited in a separate fund in the Treasury and will be available to the Secretary, subject to appropriations, for the purposes of this section. All seal harvests will be financed, to the extent possible, from proceeds collected in preceding years or unsold assets retained from harvests conducted in preceding years. In the event that such assets and proceeds are insufficient, as determined by the Secretary, to finance the seal harvest in accordance with the requirements of the Convention, there are authorized to be appropriated to the Secretary for fiscal year 1985 and beyond such sums as may be necessary to carry out the harvest and curing pursuant to this

section. Such amounts as are determined by the Secretary to exceed amounts required to carry out this section shall be transferred to the General Fund of the Treasury.

(d) (1) In order to carry out the purposes of the Convention and subsections (b) and (c) of this section, the Secretary, under terms and conditions prescribed by him may agree to purchase, to make restitution for losses, or to otherwise permit the recoupment of the costs incurred in the taking of fur seals on the Pribilof Islands, and the curing of the sealskins and other seal parts, for the annual harvests conducted pursuant to the Convention in calendar years 1982, 1983, and 1984.

(2) Payments authorized to be made by the Secretary under this subsection shall be made by the Secretary from funds hereby authorized to be appropriated in such sums not to exceed $1,000,000 for the purposes of carrying out the provisions of this section.

SEC. 106. (a) Any person authorized to enforce the provisions of this Act who has reasonable cause to believe that any vessel outfitted for the harvesting of living marine resources and subject to the jurisdiction of any of the parties to the Convention is violating the provisions of article III of the Convention may, except within the areas in which another State exercises fisheries jurisdiction, board and search such vessel. Such person shall carry a special certificate of identification issued by the Secretary or Secretary of the department in which the Coast Guard is operating which shall be in English, Japanese, and Russian and which shall be exhibited to the master of the vessel upon request.

(b) If, after boarding and searching such vessel, such person continues to have reasonable cause to believe that such vessel, or any person onboard, is violating said article, he may seize such vessel or arrest such person, or both. The Secretary of State shall, as soon as practicable, notify the party having jurisdiction over the vessel or person of such seizure or arrest.

The Secretary or the Secretary of the department in which the Coast Guard is operating, upon request of the Secretary of State, shall deliver the seized vessel or arrested person, or both, as promptly as practicable to the authorized officials of said party: Provided, That whenever said party cannot immediately accept such delivery, the Secretary or the Secretary of the department in which the Coast Guard is operating may, upon the request of the Secretary of State, keep the vessel or person in custody within the United States.

(c) At the request of said party, the Secretary or the Secretary of the department in which the Coast Guard is operating, shall direct the person authorized to enforce the provisions of this Act to attend the trial as a witness in any case arising under said article or give testimony by deposition, and shall produce such records and files or copies thereof as may be necessary to establish the offense.

SEC. 107. The President shall appoint to the Commission a United States Commissioner who shall serve at the pleasure of the President. The President may appoint one Native from each of the two inhabited Pribilof Islands to serve as Advisors to the Commissioner and as liaisons between the Commissioner and the Natives of the Pribilof Islands. The President may also appoint other interested parties as Advisors to the Commissioner. Such Advisors shall serve at the pleasure

of the President. The President may also appoint a Deputy United States Commissioner who shall serve at the pleasure of the President. The Deputy Commissioner shall be the principal adviser of the Commissioner, and shall perform the duties of the Commissioner in the case of his death, resignation, absence, or illness. The Commissioner, the Deputy Commissioner, and the Advisors shall receive no compensation for their services. The Commissioners may be paid travel expenses and per diem in lieu of subsistence at the rates authorized by section 5 of the Administrative Expense Act of 1946 when engaged in the performance of their duties.

SEC. 108. The Secretary of State, with the concurrence of the Secretary, is authorized to accept or reject, on behalf of the United States, recommendations made by the Commission pursuant to article V of the Convention.

SEC. 109. The head of any Federal agency is authorized to consult with and provide technical assistance to the Secretary or the Commission whenever such assistance is needed and reasonably can be furnished in carrying out the provisions of this title. Any Federal agency furnishing assistance hereunder may expend its own funds for such purposes, with or without reimbursement.

TITLE II—ADMINISTRATION OF THE PRIBILOF ISLANDS

SEC. 201. The Secretary shall administer the fur seal rookeries and other Federal real and personal property on the Pribilof Islands, with the exception of lands purchased by the U.S. Fish and Wildlife Service under section 1417 of the Alaska National Interest Lands Conservation Act (Public Law 96-487) and, in consultation with the Secretary of the Interior, shall ensure that activities on such Islands are consistent with the purposes of conserving, managing, and protecting the North Pacific fur seals and other wildlife and for other purposes consistent with that primary purpose.

SEC. 202. In carrying out the provisions of this title, the Secretary is authorized—

(1) to operate, maintain, and repair such Government-owned property, both real and personal, and other facilities held by the Secretary on the Pribilof Islands as may be necessary; and

(2) to provide the employees of the Department of Commerce and other Federal agencies and their dependents, at reasonable rates to be determined by the Secretary, with such facilities, services, and equipment as he deems necessary, including, but not limited to, food, fuel, shelter, and transportation.

SEC. 203. The State of Alaska will be responsible for meeting the educational needs of the citizens of the Pribilof Islands.

SEC. 204. The Secretary of Health and Human Services shall provide medical and dental care to the Natives of the Pribilof Islands with or without reimbursement, as provided by other law. He is authorized to provide such care to Federal employees and their dependents and tourists and other persons in the Pribilof Islands at reasonable rates to be determined by him. He may purchase, lease, construct, operate, and maintain such facilities, supplies, and equip-

ment as he deems necessary to carry out the provisions of this section; and the costs of such items, including medical and dental care, shall be charged to the budget of the Secretary of Health and Human Services. Nothing in this Act shall be construed as superseding or limiting the authority and responsibility of the Secretary of Health and Human Services under the Act of August 5, 1954, as amended, or any other law with respect to medical and dental care of natives or other persons in the Pribilof Islands.

SEC. 205. (a) Any provision of law relating to the transfer and disposal of Federal property to the contrary notwithstanding, the Secretary, after consultation with the Secretary of the department in which the Coast Guard is operating, is authorized to bargain, grant, sell or otherwise convey, on such terms as he deems to be in the best interests of the United States and in furtherance of the purposes of this Act, any and all right, title, and interest of the United States in and to the property, both real and personal, held by the Secretary on the Pribilof Islands: Provided, That such property is specified in a document entitled "Transfer of Property on the Pribilof Islands: Descriptions, Terms and Conditions" which is submitted to the Congress on or before September 30, 1983.

(b) The property transfer document described in subsection (a) shall include, but need not be limited to—

(1) a description of each conveyance;

(2) the terms to be imposed on each conveyance;

(3) designation of the recipient of each conveyance;

(4) a statement noting acceptance of each conveyance, including the terms, if any, under which it is accepted; and

(5) an identification of all Federal property to be retained by the Federal Government on the Pribilof Islands to meet its responsibilities as described in this Act and under the Convention.

(c) Within 60 days of the transfer of real or personal property specified in the document described in subsection (a), the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate shall be given a report prepared by the Secretary stating the fair market value at the time of the transfer of all real and personal property conveyed.

(d) A Memorandum of Understanding shall be entered into by the Secretary, a representative of the local governmental authority on each Island, the trustee or trustees, and the appropriate officer of the State of Alaska setting forth the respective responsibilities of the Federal Government, the Trust, and the State regarding—

(1) application of Federal retirement benefits, severance pay, and insurance benefits with respect to natives of the Pribilof Island;

(2) funding to be allocated by the State of Alaska for the construction of boat harbors on St. Paul and St. George Islands;

(3) assumption by the State of Alaska of traditional State responsibilities for facilities and services on such islands in accordance with applicable laws and regulations;

(4) preservation of wildlife resources;

(5) continued activities relating to the implementation of the Convention;

(6) oversight of the operation of the Trust established by section 206(a) to further progress toward creation of a stable, diversified, and enduring economy not dependent on commercial fur sealing;

(7) the cooperation of Government agencies, rendered through existing programs, in assisting with an orderly transition from Federal management and the creation of a private enterprise economy on the Pribilof Islands as described in this Act; and

(8) such other matters as may be necessary and appropriate for carrying out the purposes of the Act, including the assumption of responsibilities to ensure an orderly transition from Federal management of the Pribilof Islands.

The Memorandum shall be submitted to Congress on or before September 30, 1983.

(e) The grant, sale, transfer or conveyance of any real or personal property pursuant to this section shall not be subject to any form of Federal, State, or local taxation. The basis for computing gain or loss on subsequent sale or disposition of such real or personal property for purposes of any Federal, State, or local tax imposed on, or measured by revenue shall be the fair market value of such real or personal property at the time of receipt.

(f) In carrying out the purposes of this Act, the Secretary is authorized to enter into agreements, including but not limited to land exchange agreements with other Departments and agencies of both the State and Federal Governments, and with third parties, notwithstanding any provision of law relating to the transfer and disposal of Federal property to the contrary; except that exchanges involving lands in the National Wildlife Refuge System on the date of enactment of the Fur Seal Act Amendments of 1983 are not authorized by this section.

(g) The Secretary shall submit to Congress a report, no later than September 1, 1983, providing information on the status of the negotiations for concluding the documents described in subsections (a) and (d) of this section.

SEC. 206. (a)(1) In order to promote the development of a stable, self-sufficient enduring and diversified economy not dependent on sealing, the Secretary shall cause to be established a Trust for the benefit of the Natives of the Pribilof Islands, to be known as the "Pribilof Islands Trust" (hereinafter referred to as the "Trust").

(2) All amounts appropriated to the Secretary under subsection (e) of this section shall be transferred by the Secretary to the Trust within 15 days after submission of the Trust instrument to Congress in accordance with the requirements of subsection (c).

(3) Except as provided in subsection (e)(2), none of the amounts transferred to the Trust pursuant to paragraph (2) shall be distributed by the trustee or trustees for the benefit of the Natives of the Pribilof Islands until 30 days after submission to Congress of the documents described in section 205 (a) and (d). Such distributions shall be made by the trustee or trustees only after the Secretary has determined that

such trust has been established and will be operated in accordance with a trust instrument, or instruments, approved by the Secretary which further the purposes and policies of this Act.

(4) Until the termination of the period described in paragraph (3), the trustee or trustees shall invest the amounts transferred pursuant to paragraph (2) in securities with maturities suitable for the needs of the Trust, bearing interest rates at rates determined by the trustee or trustees, taking into consideration average market yields on outstanding marketable obligations of the United States of comparable maturities. The income from such investments shall be credited to, and form a part of the Trust.

(b) The Trust shall be administered in accordance with such terms and conditions as are prescribed by the Secretary, and as set forth in the Trust instrument. In establishing such terms and conditions, the Secretary shall consult with the Natives of the Pribilof Islands, and other interested parties concerning the conservation, management and protection of the fur seal population.

(c) There may be one Trust instrument establishing the Trust described in section 206(a), or two such instruments, each relating to one of the two portions of the Trust as provided in subsection (d), which shall address, but need not be limited to, such matters as—

(1) establishing standards and procedures for the disbursement by the trustee or trustees of trust assets for purposes of fostering in the Pribilof Islands a stable, diversified, and enduring economy not dependent upon sealing after Federal management of the islands is terminated, which procedures may include formal participation of Pribilof Island Native councils, corporations, or other such entities;

(2) establishing the Secretary as trustor;

(3) establishing the procedure for appointment of the trustee or trustees by the Secretary after consultation with the Natives of the Pribilof Islands;

(4) setting forth the rights, duties, powers and obligations of a trustee who shall act as an independent fiduciary and who shall be a United States citizen having recognized competence in business;

(5) providing for the management and investment of Trust assets, pending distribution, by an investment manager or advisor, who may be the trustee, having recognized competence in such fields;

(6) establishing methods and procedure for providing Congress and the Secretary with the annual reports described in subsection (g) of this section;

(7) establishing Trust purposes in accordance with the purposes described in section 201 of this Act and subsection (a) of this section;

(8) the duties of the trustee or trustees and the standards of care and diligence that shall govern the exercise of trust powers thereunder;

(9) compensation of the trustee or trustees;

(10) the term, termination and final distribution of the Trust estate;

(11) mandating the applicability of the laws of the State of Alaska to the creation and governance of the Trust;

(12) defraying of community expenses; and

(13) payment of necessary administrative and legal expenses.

The Trust instrument or instruments described in this subsection shall be submitted to Congress on or before September 30, 1983.

(d) The Trust shall be divided into two portions pursuant to a formula established by the Secretary after consultation with the natives of both Islands, to be accounted for separately for the independent benefit of the community of St. Paul and the community of St. George.

(e)(1) There are authorized to be appropriated to the Secretary $20,000,000 for the purpose of funding the Trust in accordance with the requirements of subsection (a)(2) of this section.

(2) Prior to the submission to Congress of the documents described in section 205 (a) and (d), the trustee or trustees may make interim distributions for the benefit of the Natives of the Pribilof Islands, upon approval of the Secretary, of up to 5 percent of the amounts transferred to the Trust pursuant to subsection (a)(2) of this section if, as determined by the Secretary, such interim distributions are required to carry out the purposes of this act.

(f) The interest on, and the proceeds from the sale or redemption of, any asset or obligation held in the Trust shall be credited to and form a part of the Trust.

(g) The trustee or trustees shall submit to Congress and to the Secretary an annual report, the first of which is due on March 31, 1984, and subsequent reports on the same date each year thereafter during the life of the Trust, providing information on expenditures made from the Trust and progress toward achieving the purposes set out in subsection (a) of this section. On March 31, 1986, the Secretary shall also submit a report to the Congress detailing all progress toward achieving these purposes since enactment of this Act. For purposes of preparing such report, the Secretary by regulation may require that the trustee and the State of Alaska submit such relevant information to the Secretary as he deems appropriate.

(h) The funds appropriated to the Trust and the earnings and distribution therefrom shall not be subject to any form of Federal, State, or local taxation: Provided, That this exemption shall not apply to any income from the investment or other use of such distributions.

SEC. 207. The Secretary is authorized to enter into agreements or contracts or leases with, or to issue permits to, any public or private agency or person for carrying out the provisions of the Convention or this Act.

SEC. 208. (a) Service by natives of the Pribilof Islands engaged in the taking and curing of fur seal skins and other activities in connection with the administration of such islands prior to January 1, 1950, as determined by the Secretary based on records available to him, shall be considered for purposes of credit under the Civil Service Retirement Act, as amended, as civilian service performed by an employee, as defined in said Act.

(b) The annuity of any person or the annuity of the survivor of any person who shall have performed service described in subsection (a) of this section, and who, prior to November 2, 1966, died or shall

have been retired on annuity payable from the civil service retirement and disability fund, shall, upon application filed by the annuitant within 1 year after November 2, 1966, be adjusted, effective as of the first day of the month immediately following November 2, 1966, so that the amount of the annuity shall be the same as if such subsection had been in effect at the time of such person's retirement or death.

(c) In no case shall credit for the service described in subsection (a) of this section entitle a person to the benefits of section 11(h) of the Civil Service Retirement Act.

(d) Notwithstanding any other provisions of this Act or any other law, benefits under the Civil Service Retirement Act made available by reason of the provisions of this section shall be paid from the civil service retirement and disability fund subject to reimbursement to such fund from the Operations, Research, and Facilities Account of the National Oceanic and Atmospheric Administration in the Department of Commerce, for the purpose of compensating said retirement fund for the cost, as determined by the Civil Service Commission during each fical year, of benefits provided by this section.

SEC. 209. Chapter 83 of title 5, United States Code, is amended as follows:

(a) by deleting "credit" in section 8332(b) and inserting in lieu thereof the words "Except as provided in paragraph (13) of this subsection, credit;"

(b) by adding in section 8332(b) after paragraph (12) the following new paragraph:

"(13) one year of service to be credited for each year in which a Native of the Pribilof Islands performs service in the taking and curing of fur seal skins and other activities in connection with the administration of the Pribilof Islands, notwithstanding any period of separation from the service.;"

(c) by adding in section 8332(b) after "paragraph (3) of this subsection." the following sentence: "The Office of Personnel Management shall accept the certification of the Secretary of Commerce or his designee concerning service for the purpose of this subchapter of the type performed by an employee named by paragraph (13) of this subsection."

(d) by adding in section 8332(f) after "postal field service" the words "and service described in paragraph (13) of subsection (b) of this section,";

(e) by adding in section 8332(1)(l) the word "or" at the end of clause (v) of subparagraph (B) thereof and by adding the following new subparagraph:

"(C) is of Aleut ancestry and while a citizen of the United States was interned or otherwise detained in, or relocated to any camp, installation, or other facility in the Territory of Alaska which was established during World War II for the purpose of the internment, detention, or relocation of Aleuts pursuant to any statute, rule, regulation, or order;";

and

(f) by amending paragraph (4) of section 8334(g) by striking "January 1, 1950" and substituting the words "October 1, 1983," and adding after "the Pribilof Islands" the words "except where

deductions, contributions, and deposits were made before October 1, 1983".

SEC. 210. (a) Title I of the Act of January 4, 1975, Public Law 93–638 (25 U.S.C. §§ 450–450m), known as the Indian Self-Determination and Education Assistance Act, is amended by adding in section 105(e) after "to be employed by a tribal organization" the words ", the city of St. Paul, Alaska, the city of St. George, Alaska, upon incorporation, or the Village Corporations of St. Paul and St. George Islands established pursuant to section 8 of the Alaska Native Claims Settlement Act (Public Law 92–203)".

(b) Notwithstanding any other provision of law, any Native of the Pribilof Islands employed by the Federal Government on September 30, 1983, shall be deemed to have been covered under chapters 81, 83, 85, and 87 of title 5, United States Code, on such date for the purposes of determining eligibility for continuity of benefits under section 105(e) of the Act of January 4, 1975 (Public Law 93–638), known as the Indian Self-Determination and Education Assistance Act.

SEC. 211. The Secretary is authorized to prescribe such regulations as he deems necessary to carry out the provisions of this title.

TITLE III—ENFORCEMENT

SEC. 301. (a) Every vessel subject to the jurisdiction of the United States that is employed in any manner in connection with a violation of the provision of this Act, including its tackle, apparel, furniture, appurtenances, cargo, and stores shall be subject to forfeiture; and all fur seals, or parts thereof, taken or retained in violation of this Act, or the monetary value thereof, shall be forfeited.

(b) All provisions of law relating to the seizure, summary and judicial forfeiture, and condemnation of a vessel, including its tackle, apparel, furniture, appurtenances, cargo, and stores for violation of the customs laws, the disposition of such vessel, including its tackle, apparel, furniture, appurtenances, cargo, and stores or the proceeds from the sale thereof, and the remission or mitigation of such forfeitures shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this Act, insofar as such provisions of law are applicable and not inconsistent with the provisions of this Act.

SEC. 302. (a) Enforcement of the provisions of this Act is the joint responsibility of the Secretary, the Secretary of the Treasury, and the Secretary of the department in which the Coast Guard is operating. In addition, the Secretary may designate officers and employees of the States of the United States to enforce the provisions of this Act which relate to persons or vessels subject to the jurisdiction of the United States. When so designated, such officers and employees are authorized to function as Federal law enforcement agents for these purposes; but they shall not be held and considered as employees of the United States for the purpose of any laws administered by the Office of Personnel Management.

(b) The judges of the United States district courts and United States magistrates may, within their respective jurisdictions, upon proper oath or affirmation showing probable cause, issue such warrants

or other process, including warrants or other process issued in admiralty proceedings in Federal district courts, as may be required for enforcement of this Act and any regulations issued thereunder.

(c) Any person authorized to carry out enforcement activities hereunder shall have the power to execute any warrant or process issued by any officer or court of competent jurisdiction for the enforcement of this act.

(d) Such person so authorized shall have the power—

(1) with or without a warrant or other process, to arrest any person committing in his presence or view a violation of this Act or the regulations issued thereunder;

(2) with a warrant or other process or without a warrant, if he has reasonable cause to believe that a vessel subject to the jurisdiction of the United States or any person on board is in violation of any provision of this Act or the regulations issued thereunder, to search such vessel and to arrest such person.

(e) Such person so authorized may seize any vessel subject to the jurisdiction of the United States, together with its tackle, apparel, furniture, appurtenances, cargo, and stores, used or employed contrary to the provisions of this Act or the regulations issued hereunder or which it reasonably appears has been used or employed contrary to the provisions of this act or the regulations issued hereunder.

(f) Such person so authorized may seize, whenever and wherever lawfully found, all fur seals taken or retained in violation of this Act or the regulations issued thereunder. Any fur seals so seized or forfeited to the United States pursuant to this act shall be disposed of in accordance with the provisions of section 105 of this Act.

SEC. 303. The Secretary is authorized to prescribe such regulations as he deems necessary and appropriate to carry out the provisions of this title.

SEC. 304. (a) Any person who knowingly violates any provision of this act or of any permit or regulation issued thereunder shall, upon conviction, be fined not more than $20,000 for such violation, or imprisoned not more than 1 year, or both.

(b) Any person who violates any provision of this Act or any regulation or permit issued hereunder may be assessed a civil penalty by the Secretary of not more than $10,000 for each such violation. No penalty shall be assessed unless such person is given notice and opportunity for a hearing with respect to such violation. Hearings held during proceedings for the assessment of civil penalties authorized by this subsection shall be conducted in accordance with section 554 of title 5. The Secretary may issue subpenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and administer oaths. Witnesses summoned shall be paid the same fees and mileage that are paid to witnesses in the courts of the United States. In case of contumacy or refusal to obey a subpena served upon any person pursuant to this paragraph, the district court of the United States for any district in which such person is found or resides or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony before the Secretary or to appear and produce documents before the Secretary, or both, and any failure

to obey such order of the court may be punished by such court as a contempt thereof. Any civil penalty assessed may be remitted or mitigated by the Secretary for good cause shown. Upon any failure to pay a penalty assessed under this subsection, the Secretary may request the Attorney General to institute civil action in a district court of the United States for any district in which such person is found, resides, or transacts business to collect the penalty, and such court shall have jurisdiction to hear and decide any such action.

SEC. 305. There are authorized to be appropriated to the operations, research, and facilities account of the National Oceanic and Atmospheric Administration in the Department of Commerce, such sums as may be necessary, up to $2 million, for fiscal year 1984 for the purpose of upgrading Federal property to be transferred pursuant to section 205 of this Act, $736,000 for fiscal year 1984 for the purposes of sections 104 and 208 of this act and such sums as may be necessary for each fiscal year thereafter for the purposes of sections 104 and 208 of this Act.

5 U.S.C. 8332

§ 8332. Creditable service

(a) The total service of an employee or Member is the full years and twelfth parts thereof, excluding from the aggregate the fractional part of a month, if any.

(b) The service of an employee shall be credited from the date of original employment to the date of separation on which title to annuity is based in the civilian service of the Government. [Credit] *Except as provided in paragraph (13) of this subsection, credit* may not be allowed for a period of separation from the service in excess of 3 calendar days. The service includes—

(1)–(12) * * *

(13) one year of service to be credited for each year in which a Native of the Pribilof Islands performs service in the taking and curing of fur seal skins and other activities in connection with the administration of the Pribilof Islands, notwithstanding any period of separation from the service.

The Office of Personnel Management shall accept the certification of the Secretary of Agriculture or his designee concerning service for the purpose of this subchapter of the type performed by an employee named by paragraph (3) of this subsection. *The Office of Personnel Management shall accept the certification of the Secretary of Commerce or his designee concerning service for the purpose of this subchapter of the type performed by an employee named by paragraph (13) of this subsection.* The Office of Personnel Management shall accept the certification of the Capitol Guide Board concerning service for the purpose of this subchapter of the type described in paragraph (8) of this subsection and performed by an employee. For the purpose of paragraph (5) of this section—

(A) a volunteer and a volunteer leader are deemed receiving pay during their service at the respective rates of readjustment allowances payable under section 2504(c) and 2505(1) of title 22; and

(B) the period of an individual's service as a volunteer or volunteer leader under chapter 34 of title 22 is the period between enrollment as a volunteer or volunteer leader and the termination of that service by the President or by death or resignation.

Service referred to in paragraph (6) is allowable only in the case of persons performing service under section 709 of title 32, after December 31, 1968. The Office of Personnel Management shall accept the certification of the Executive Director of the Board for International Broadcasting concerning services for the purposes of this subchapter of the type described in paragraph (11) of this subsection.

(c)–(e) * * *

(f) Credit shall be allowed for leaves of absence without pay granted an employee while performing military service or while receiving benefits under subchapter I of chapter 81 of this title. An employee or former employee who returns to duty after a period of separation is deemed, for the purpose of this subsection, to have been in a leave of absence without pay for that part of the period in which he was receiving benefits under subchapter I of chapter 81 of this title or any earlier statute on which such subchapter is based. Except for a substitute in the postal field service *and service described in paragraph (13) of subsection (b) of this section*, credit may not be allowed for so much of other leaves of absence without pay as exceeds 6 months in the aggregate in a calendar year.

(g)–(k) * * *

(*l*) (1) Any employee or Member who—

(A) is of Japanese ancestry; and

(B) while a citizen of the United States or an alien lawfully admitted to the United States for permanent residence, was interned or otherwise detained at any time during World War II in any camp, installation, or other facility in the United States, or in any territory or possession of the United States, under any policy or program of the United States respecting individuals of Japanese ancestry which was established during World War II in the interests of national security pursuant to—

(i) Executive Order Numbered 9066 [unclassified] dated February 19, 1942;

(ii) section 67 of the Act entitled "An Act to provide a government for the Territory of Hawaii", approved April 30, 1900 (chapter 339, Fifty-sixth Congress; 31 Stat. 153) [former 48 USCS § 532, now omitted],

(iii) Executive Order Numbered 9489, dated October 18, 1944 [unclassified];

(iv) sections 4067 through 4070 of the Revised Statutes of the United States [50 USCS §§ 21 et seq.]; or

(c) any other statute, rule, regulation, or order; *or*

(C) is of Aleut ancestry and while a citizen of the United States was interned or otherwise detained in, or relocated to any camp, installation, or other facility in the Territory of Alaska which was established during World War II for the purpose of the internment, detention, or relocation of Aleuts pursuant to any statute, rule, regulation, or order;

shall be allowed credit (as civilian service) for any period during which such employee or Member was so interned or otherwise detained after such employee became 18 years of age.

(2) For the purpose of this subsection, "World War II" means the period beginning on December 7, 1941, and ending on December 31, 1946.

(m) * * *

5 U.S.C. 8334

§ 8334. Deductions, contributions, and deposits

(a)-(f) * * *

(g) Deposit shall not be required for—

(1)-(3) * * *

(4) service performed before [January 1, 1950] *October 1, 1983*, by natives on the Pribilof Islands in the taking and curing of fur seal skins and other activities in connection with the administration of the Pribilof Islands *except where deductions, contributions, and deposits were made before October 1, 1983;*

(5)-(6) * * *

(h)-(j) * * *

INDIAN SELF-DETERMINATION ACT

Section 105(e) of that Act (25 U.S.C. 450i(a))

(e) Notwithstanding any other law, executive order, or administrative regulation, an employee serving under an appointment not limited to one year or less who leaves Federal employment to be employed by a tribal organization *the city of St. Paul, Alaska, the city of St. George, Alaska, upon incorporation, or the village Corporations of St. Paul and St. George Islands established pursuant to section 8 of the Alaska Native Claims Settlement Act (Public Law 92-203)* on or before December 31, 1985, in connection with governmental or other activities which are or have been performed by employees in or for Indian communities is entitled, if the employee and the tribal organization so elect, to the following:

(1) To retain coverage, rights, and benefits under subchapter I of chapter 81 ("Compensation for Work Injuries") of title 5, United States Code, and for this purpose his employment with the tribal organization shall be deemed employment by the United States. However, if an injured employee, or his dependents in case of his death, receives from the tribal organization any payment (including an allowance, gratuity, payment under an insurance policy for which the premium is wholly paid by the tribal organization, or other benefit of any kind) on account of the same injury or death, the amount of that payment shall be credited against any benefit payable under subchapter 1 of chapter 81 of title 5, United States Code, as follows:

(A) payments on account of injury or disability shall be credited against disability compensation payable to the injured employee; and

(B) payments on account of death shall be credited against death compensation payable to dependents of the deceased employee.

(2) To retain coverage, rights, and benefits under chapter 83 ("Retirement") of title 5, United States Code, if necessary employee deductions and agency contributions in payment for coverage, rights, and benefits for the period of employment with the tribal organization are currently deposited in the Civil Service Retirement and Disability Fund (section 8348 of title 5, United States Code); and the period during which coverage, rights, and benefits are retained under this paragraph is deemed creditable service under section 8332 of title 5, United States Code. Days of unused sick leave to the credit of an employee under a formal leave system at the time the employee leaves Federal employment to be employed by a tribal organization remain to his credit for retirement purposes during covered service with the tribal organization.

(3) To retain coverage, rights, and benefits under chapter 89 ("Health Insurance") of title 5, United States Code, if necessary employee deductions and agency contributions in payment for the coverage, rights, and benefits for the period of employment with the tribal organization are currently deposited in the Employee's Health Benefit Fund (section 8909 of title 5, United States Code); and the period during which coverage, rights, and benefits are retained under this paragraph is deemed service as an employee under chapter 89 of title 5, United States Code.

(4) To retain coverage, rights, and benefits under chapter 87 ("Life Insurance") of title 5, United States Code, if necessary employee deductions and agency contributions in payment for the coverage, rights, and benefits for the period of employment with the tribal organizations are currently deposited in the Employee's Life Insurance Fund (section 8714 of title 5, United States Code); and the period during which coverage, rights, and benefits are retained under this paragraph is deemed service as an employee under chapter 87 of title 5, United States Code.

○